

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

RENAY L. WILLIAMS,	)	
	)	
Plaintiff,	)	
v.	)	
	)	No. 05-5098-CV-SW-FJG-SSA
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court is Plaintiff's Motion to Proceed In Forma Pauperis. (Doc. No. 1). Together with said motion is Plaintiff's Affidavit of Financial Status and her proposed Complaint.

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement or prosecution of any suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit, and the Court determines that the lawsuit is not frivolous or malicious.

The Court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915. Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). Such showing of poverty is sufficient if the applicant would become completely destitute or be forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948); Local Rule 83.7(a) (1999).

Plaintiff's Affidavit reveals that she is thirty-eight years old and separated.<sup>1</sup> Plaintiff does not know the telephone number, address, or employment details of her spouse. Plaintiff states in her affidavit that she is not currently employed. Plaintiff states that her previous employment was at the Movie Gallery in Webb City, Missouri, where she worked as a customer service representative for one month. Plaintiff reports her gross income was \$525.00 per month, or \$131.25 per week.

Plaintiff does not own real property or automobiles. Plaintiff indicates that she has \$0.00 cash on hand, and indicates she belongs to no banks or other associations. Plaintiff indicates that, over the past twelve months, she has received \$750.00 in child support per month and food stamps of approximately \$425.00 per month. Plaintiff reports that she has a rental payment of \$465.00 per month, electric bills of \$100.00 per month, water bills of \$30.00 per month, and a pay-as-you-go cell phone bill.

Based upon the information provided in plaintiff's affidavit, the Court believes that plaintiff is sufficiently impoverished to be permitted to proceed in forma pauperis. Therefore, the Court will grant plaintiff's application for leave to file this civil action in forma pauperis. Additionally, the Court finds that Plaintiff's complaint is not barred by 28 U.S.C. § 1915(e)(2)(B). The complaint does not appear to be frivolous, nor does it appear to state a claim on which relief cannot be granted or seek monetary relief against a defendant who is immune from such relief.

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<sup>1</sup>Although plaintiff does not indicate that she has dependents, the Court notes that plaintiff indicates that she receives child support. See Affidavit of Financial Status, Doc. No. 1, p. 4.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is GRANTED;
2. because this case is included in the Case Management/Electronic Case Filing system; plaintiff's counsel shall be responsible for electronically filing the Complaint on or before August 12, 2005; and
3. plaintiff shall be responsible for serving process in the manner described in Federal Rule of Civil Procedure 4(l).

Date: August 3, 2005  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge